

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #98-236(APCB)**

### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR), NEW RULE CONCERNING REFERENCES TO COMPILATION OF AIR POLLUTANT EMISSION FACTORS AP-42, NEW RULE ADDING THE DEFINITION OF COMPILATION OF AIR POLLUTANT EMISSION FACTORS AP-42, AMENDMENTS TO THE DEFINITION OF PARTICULATE MATTER, AND AMENDMENTS TO AMBIENT AIR QUALITY STANDARDS**

#### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language to:

- (1) incorporate the most recently published version of the Code of Federal Regulations (CFR);
- (2) incorporate the most recent version of the Compilation of Air Pollutant Emission Factors AP-42;
- (3) add a definition of Compilation of Air Pollutant Emission Factors AP-42
- (4) add a definition of PM<sub>2.5</sub>; and
- (5) incorporate the new federal standards for PM<sub>2.5</sub> and ozone, and has scheduled a public hearing before the air pollution control board (board) for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 1-1-3; 326 IAC 1-1-3.5; 326 IAC 1-2-20.5; 326 IAC 1-2-52; 326 IAC 1-3-4.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

#### **STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana

Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

## **BACKGROUND**

### **Incorporation of the Code of Federal Regulations**

Many of Indiana's air quality standards, sampling procedures, monitoring requirements and various compliance methodologies are based on federal requirements. During the development of rules under Title 326 of the Indiana Administrative Code, it is often more efficient to refer to or incorporate specific portions of the Code of Federal Regulations rather than reprinting them in full. Incorporation ensures that state rules will not be interpreted in such a way as to conflict with federal law and national policy and allows the state to use the resources of the federal system instead of expending its own rulemaking resources in what would otherwise be an unnecessary duplication of rulemaking effort. By annually incorporating the latest complete published version of the Code of Federal Regulations, the Indiana Department of Environmental Management is able to include, in an orderly manner, all pertinent federal rules, with the exception of those most recently published in the Federal Register.

Title 40 of the Code of Federal Regulations (CFR) entitled "Protection of Environment," includes all federal environmental regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA). It is referenced throughout Title 326 of the Indiana Administrative Code (IAC).

Title 29 of the CFR, entitled "Intergovernmental Review of Environmental Protection Agency Programs and Activities," contains federal rules for the asbestos and lead programs. Title 29 of the CFR is referenced in Article 14 (Emission Standards for Hazardous Air Pollutants), Article 18 (Asbestos Management at Schools), and Article 23 (Lead-based Paint Program) of Title 326 of the Indiana Administrative Code. Many of these regulations are either directly incorporated by reference into Title 326 of the Indiana Administrative Code as state-enforceable rule provisions, or they are incorporated into Title 326 of the Indiana Administrative Code as federal authority for the implementation and enforcement of state rule provisions.

The 1997 edition of the CFR is a codification of the general and permanent rules published in the Federal Register (FR) as of June 30, 1997.

326 IAC 1-1-3, References to the Code of Federal Regulations, references the yearly edition of the Code of Federal Regulations which is applicable to incorporation by reference throughout Title 326, unless a different edition is specifically incorporated into an individual rule.

### **Examples of changes that occurred in the CFR between July 1, 1996, and June 30, 1997 pertinent to the Office of Air Management**

#### **40 CFR 51, "Preparation, Adoption, and Submittal of State Implementation Plans"**

- This final rule adds seven methods to Appendix M for capture efficiency testing to assist

states in adopting enforceable capture efficiency measurement protocols in their state implementation plans for ozone. It will also help to improve states' ability to enforce regulations to reduce volatile organic compounds.

#### 40 CFR 61, "National Emission Standards for Hazardous Air Pollutants"

- National emissions standards for radionuclide emissions from facilities licensed by Nuclear Regulatory Commission and federal facilities not covered by Subpart H. U.S. EPA rescinded Part 61, subpart I. This rule became effective on December 30, 1996.

#### 40 CFR 63, "National Emission Standards for Hazardous Air Pollutants for Source Categories"

- National emission standards for hazardous air pollutants for Group I polymers and resins affecting existing and new plants that emit organic hazardous air pollutants indicated on U.S. EPA's list of 189 hazardous air pollutants. This rule became effective on September 5, 1996.
- Correction to final rules concerning national emission standards for hazardous air pollutants for aerospace manufacturing and rework facilities and shipbuilding and ship repair (surface coating) operations. Contains information announcing information collection requirements. This rule became effective on December 17, 1996.
- Rule clarification on organic hazardous air pollutants for synthetic organic chemical manufacturing industry and other processes subject to the negotiated requirements for equipment leaks. This rule became effective on January 17, 1997.
- Test methods for polymers and resins I rule, Appendix A - Test Methods 310 A, B, C; 312 A,B,C; 313 A,B for detection of residual amounts of hazardous air pollutants in conjunction with recently issued national emission standards for Polymers and Resins I. This rule became effective on March 17, 1997.
- Final standards for hazardous air pollutant emissions from wood furniture manufacturing operations. A correction was published to clarify errors in the regulatory text. This rule became effective on June 3, 1997.
- National emission standards for hazardous air pollutants for group IV polymers and resins affecting existing and new plants that emit organic hazardous air pollutants indicated on U.S. EPA's list of 189 hazardous air pollutants. This rule became effective on September 12, 1996.
- National emission standards for hazardous air pollutants for perchloroethylene dry cleaning facilities to implement a settlement agreement that U.S. EPA entered into regarding a small number of transfer machines. This rule became effective on September

19, 1996.

40 CFR 75, “Continuous Emission Monitoring”

- Under the acid rain program, U.S. EPA made technical revisions to the continuous emissions monitoring regulations in response to public comments by streamlining the rule and increasing implementation flexibility. This rule became effective on December 20, 1996.

40 CFR 76, “Acid Rain Nitrogen Oxides Emission Reduction Program”

- Standards for the second phase of the nitrogen oxides reduction program under the acid rain program under Title IV of the Clean Air Act that establish nitrogen oxides emission limits for certain coal fired electric utility units and revise the nitrogen oxides emission limits for other units. This rule became effective on December 19, 1996.

40 CFR 82, “Protection of Stratospheric Ozone”

- On the listing of substitutes for ozone depleting substances, this action imposes restrictions or prohibitions on substances for ozone depleting substances under U.S. EPA’s significant new alternatives policy (SNAP). This rule became effective on November 15, 1996.
- Notice that expands the list of acceptable substitutes for ozone depleting substances under U.S. EPA’s significant new alternative policy (SNAP). This rule became effective on March 10, 1997.

40 CFR 86, “Control of Air Pollution from New and In-use Motor Vehicles and New and In-use Motor Vehicle Engines: Certification and Test Procedures”

- Revisions to motor vehicle inspection and maintenance program requirements for vehicles equipped with on-board diagnostic systems as part of the inspection requirements in basic and enhanced inspection and maintenance programs. This rule became effective on October 7, 1996.

**Incorporation of the Compilation of Air Pollution Emission Factors AP-42 including Supplements and Definition of Compilation of Air Pollution Emission Factors (AP-42)**

Compilation of Air Pollutant Emission Factors (AP-42) is a document issued by U.S. EPA. It is a fundamental tool for air quality management and is used for developing emission control strategies, determining applicability of permitting and control programs, ascertaining the effects of sources and appropriate mitigation strategies, and a number of related applications. The Fifth Edition of AP-42, Volume I, contains information on over 200 stationary source categories.

This information includes brief descriptions of processes used, potential sources of air emissions from the processes and common methods used to control these air emissions. Methodologies for estimating the quantity of air pollutant emissions are presented in the form of Emission Factors. Volume II of AP-42 contains information on mobile sources.

An emission factor is a representative value that relates the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant. Such factors facilitate estimation of emissions from various sources of air pollution.

### **Definition of PM<sub>2.5</sub> and Incorporation of the new federal standards for PM<sub>2.5</sub> and Ozone**

On July 18, 1997, U.S. EPA announced revisions to the national ambient air quality standards (NAAQS) for particulate matter (PM). U.S. EPA added PM<sub>2.5</sub> as a new standard for particulate matter and revised the form of the current 24-hour PM<sub>10</sub> standard. PM<sub>2.5</sub> is particulate matter with an aerodynamic diameter less than or equal to two and five-tenths (2.5) micrometers. The new PM standard focuses on microscopic soot and dust particles which can cause more health problems as smaller particles penetrate deeper into the lungs. The new suite of primary standards will provide increased protection against a wide range of PM-related health effects, including premature mortality and increased hospital admissions and emergency room visits, primarily in the elderly, children, and individuals with asthma. The new secondary standards will provide appropriate protection against PM-related public welfare effects including soiling, material damage, and visibility impairment.

Indiana's air rules must be updated to reflect the new standards for particulate matter. This includes amending the definition of "particulate matter" to include PM<sub>2.5</sub>.

On July 18, 1997, U.S. EPA also announced revisions to the national ambient air quality standards for ozone based on its review of the available scientific evidence linking exposures to ambient ozone to adverse health and welfare effects at levels allowed by the current ozone standards. The current one (1) hour primary standard of (0.12) parts per million, is replaced by an eight (8) hour standard at a level of eight-hundredths (0.08) parts per million, with a form based on a three (3) year average of the annual fourth-highest daily maximum eight-hour average ozone concentration measured at each monitor within an area. The new primary standard with a longer averaging time will protect against longer exposures, and provide increased protection to the public, especially children and other at-risk populations, against a wide range of ozone-induced health effects, including decreased lung function, increased respiratory symptoms, hospital admissions and emergency room visits. The current one-hour secondary standard is replaced by an eight-hour standard which will provide increased protection to the public welfare against ozone-induced effects on vegetation.

As with particulate matter, Indiana's rules must be amended to reflect the current federal ozone standard.

## FINDINGS

The commissioner of IDEM has prepared findings regarding rulemaking on the incorporation by reference of the 1997 version of the Code of Federal Regulations (CFR), incorporation by reference of the Compilation of Air Pollutant Emission Factors AP-42, the definition of Compilation of Air Pollutant Emission Factors AP-42, the definition of PM<sub>2.5</sub>, and incorporation of the new federal standards for PM<sub>2.5</sub> and ozone, as required by federal rule. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rule is an incorporation of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana in many cases is required by the Clean Air Act to adopt these requirements as state rules.
- (3) Given the federal requirements, there are limited alternative measures for incorporating the Code of Federal Regulations, adding the definition of PM<sub>2.5</sub>, incorporating the new federal standards for PM<sub>2.5</sub> and ozone, incorporating the Compilation of Air Pollution Emission Factors AP-42 and adding the definition of Compilation of Air Pollution Emission Factors AP-42, that would satisfy Indiana's obligation under federal law. There has been extensive debate on the national level about the new ozone and particulate matter standards, and significant differences of opinion remain. However, IDEM believes that the public would not be served by multiple additional opportunities for debate on this matter at the state level. Congress has given U.S. EPA the authority and responsibility to promulgate nationally applicable ambient air quality standards. It has given states the authority and responsibility to meet those standards through plans and programs developed to meet the needs of the state.
- (4) The public will benefit from prompt adoption of this rule, because it alleviates unnecessary duplication of rulemaking effort by the state by directly incorporating the federal regulations. The public will also benefit by incorporating the new standards as they will provide increased protection to the public health and welfare. Although the hearing process has already been completed at the federal level, the public will have two more opportunities to comment at the preliminary adoption and final adoption hearings.
- (5) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (6) The draft rule is hereby incorporated into these findings.

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John M. Hamilton  
Commissioner  
Indiana Department of Environmental Management

## **ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Kiran Verma, Rules Development Section, Office of Air Management, (317) 233-5678 or (800) 451-6027 ext. 2-5678 (in Indiana).

## **DRAFT RULE**

SECTION 1. 326 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

### **326 IAC 1-1-3 References to the Code of Federal Regulations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 1996, **1997**, edition\*.

\*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, **Tenth Floor**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298*)

SECTION 2. 326 IAC 1-1-3.5 IS ADDED TO READ AS FOLLOWS:

### **326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and supplements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 3.5.** Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 means the January 1995, Fifth Edition, Volumes I and II, including the following AP-42, Fifth Edition, Volume I supplements\*:

- (1) Supplement A, November 1996\*.
- (2) Supplement B, November 1996\*.
- (3) Supplement C, November 1997\*.



**(4) Supplement D, July 1998\*.**

**\*Copies of the Compilation of Air Pollution Emission Factors AP-42 and supplements referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3.5*)**

SECTION 3. 326 IAC 1-2-20.5 IS ADDED TO READ AS FOLLOWS:

**326 IAC 1-2-20.5 "Compilation of Air Pollution Emission Factors AP-42" definition**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

**Sec. 20.5.** Unless otherwise provided, references to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the version indicated in 326 IAC 1-1-3.5. (*Air Pollution Control Board; 326 IAC 1-2-20.5*)

SECTION 4. 326 IAC 1-2-52 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-2-52 "Particulate matter" definition**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 52. Any airborne finely divided solid or liquid material, excluding uncombined water. ~~with an aerodynamic diameter smaller than one hundred (100) micrometers (µm).~~

**(1) PM<sub>2.5</sub>: Any particulate matter with an aerodynamic diameter less than or equal to two and five-tenths (2.5) micrometers (µm) as measured by an applicable reference method specified in:**

**(A) 40 CFR 50 and 62 FR 38652\*, July 18, 1997; and**

**(B) 40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997.**

~~(1) (2) PM<sub>10</sub>: Any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers- µm as measured by an applicable reference method specified in:~~

~~(A) 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner. and 62 FR 38652\*, July 18, 1997; and~~

~~(B) 40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997.~~

**(2) (3) Total suspended particulate (TSP): Any particulate matter with an aerodynamic diameter smaller than one hundred (100) µm, as measured by the method described in Appendix B of 40 CFR Part 50\*.**

**\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR)**

referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-2-52; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2374; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020*)

SECTION 5. 326 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-3-4 Ambient air quality standards**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

Sec. 4. The following ambient air quality standards, corrected to a reference temperature of 25°C: **twenty-five (25) degrees Celsius** and to a reference pressure of **seven hundred sixty (760) millimeters of mercury one thousand thirteen and two-tenths (1,013.2) millibars**, as micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), shall apply:

(1) Sulfur oxides as sulfur dioxide ( $\text{SO}_2$ ).

(A) Primary Standards: The following values shall represent The maximum permissible ambient air quality levels **for the primary standards are as follows:**

(i) **Eighty (80)  $\mu\text{g}/\text{m}^3$  three-hundredths (0.03) parts per million (ppm)** annual arithmetic mean.

(ii) **Three hundred sixty-five (365)  $\mu\text{g}/\text{m}^3$  fourteen-hundredths (0.14) ppm maximum twenty-four (24) hour average concentration** not to be exceeded more than one (1) day per year.

(B) Secondary Standards: The following value shall represent The maximum permissible ambient air quality **level for the secondary standards is one thousand three hundred (1,300)  $\mu\text{g}/\text{m}^3$  fifty-hundredths (0.50) ppm maximum three (3) hour concentration** not to be exceeded more than **once one (1) day** per year.

(C) Sulfur dioxide values may be converted to ppm using the conversion factor  $2,620 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(2) Total Suspended Particulate (TSP).

(A) Primary Standards: The following values shall represent The maximum permissible ambient air quality levels **for the primary standards are as follows:**

(i) **Seventy-five (75)  $\mu\text{g}/\text{m}^3$  annual geometric mean.**

(ii) **Two hundred sixty (260)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration** not to be exceeded more than one (1) day per year.

(B) Secondary Standards: The following value shall represent maximum permissible ambient air quality levels **level for the secondary standards is one hundred fifty (150)  $\mu\text{g}/\text{m}^3$  maximum twenty-four (24) hour average concentration** not to be exceeded more than one (1) day per year.

(3) Carbon Monoxide (CO).

(A) ~~Primary and Secondary Standards: The following values shall represent The maximum permissible ambient air quality levels~~ **for the primary and secondary standards are as follows:**

(i) ~~Ten~~ (10) milligrams per cubic meter (~~ten thousand~~ (10,000)  $\mu\text{g}/\text{m}^3$ ) (~~nine~~ (9) ppm) maximum **eight** (8) hour average concentration not to be exceeded more than **once one (1) day** per year.

(ii) ~~Forty~~ (40) milligrams per cubic meter (40,000  $\mu\text{g}/\text{m}^3$ ) (~~thirty-five~~ (35) ppm) maximum **one (1)** hour average concentration not to be exceeded more than **once one (1) day** per year.

(B) Carbon monoxide values may be converted to ppm using the conversion factor  $1,145 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(4) Ozone ( $\text{O}_3$ ).

(A) ~~Primary and Secondary Standards: The following values shall represent The maximum permissible ambient air quality level levels for the one (1) hour~~ **primary and secondary standards are as follows:**

~~The expected number of days with maximum hourly ozone concentrations above  $235 \mu\text{g}/\text{m}^3$  (0.12 ppm) shall not exceed one (1) per calendar year.~~

(i) ~~The one (1) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D and 62 FR 38856\*, July 18, 1997, and designated in accordance with 40 CFR 53 and 62 FR 38764\*, July 19, 1997, are twelve-hundredths (0.12) ppm, (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ).~~

(ii) ~~The standards are attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve-hundredths (0.12) ppm (two hundred thirty-five (235)  $\mu\text{g}/\text{m}^3$ ) is equal to or less than one (1.0), as determined by 40 CFR 50, Appendix H and 62 FR 38856\*, July 18, 1997.~~

(B) ~~The maximum permissible ambient air quality levels for the eight (8) hour primary and secondary standards are as follows:~~

(i) ~~The eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D and 62 FR 38856\*, July 18, 1997, and designated in accordance with 40 CFR 53, are eight-hundredths (0.08) ppm (one hundred fifty-seven (157)  $\mu\text{g}/\text{m}^3$ ).~~

(ii) ~~The standards are attained at an ambient air quality monitoring site when the average of the annual fourth-highest daily maximum eight (8) hour average ozone concentration is less than or equal to eight-hundredths (0.08) ppm (one hundred fifty-seven (157)  $\mu\text{g}/\text{m}^3$ ), as determined in accordance with 40 CFR 50, Appendix I and 62 FR 38856\*, July 18, 1997.~~

~~(B)~~ (C) Ozone ( $\text{O}_3$ ) values may be converted to ppm using the conversion factor  $1,965 \mu\text{g}/\text{m}^3 = 1.0 \text{ ppm}$ .

(5) Nitrogen Dioxide (NO<sub>2</sub>).

(A) Primary and Secondary Standard: The following value shall represent The maximum permissible ambient air quality level **for the primary and secondary standards is one hundred** (100) µg/m<sup>3</sup> (**five-hundredths** (0.05) ppm) annual arithmetic mean.

(B) Nitrogen dioxide values may be converted to ppm using the conversion factor 1,880 µg/m<sup>3</sup> = 1.0 ppm.

(6) Lead (Pb). (A) Primary and Secondary Standard: The following value shall represent The maximum permissible ambient air quality level **for the primary and secondary standards is one and five-tenths** (1.5) micrograms lead per cubic meter of air (µg of Pb/m<sup>3</sup>), averaged over a calendar quarter and measured as elemental lead.

(7) PM<sub>2.5</sub>. The maximum permissible ambient air quality levels for the primary and secondary standards are as follows:

(A) Fifteen (15) µg/m<sup>3</sup> annual arithmetic mean concentration. The standards are attained when the annual arithmetic mean concentration is less than or equal to fifteen (15) µg/m<sup>3</sup>, as determined in accordance with all of the following:

(i) 40 CFR 50, Appendices L and N, 62 FR 38652\*, July 18, 1997.

(ii) 40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997.

(B) Sixty-five (65) µg/m<sup>3</sup> twenty-four (24) hour concentration. The standards are attained when the ninety-eighth percentile, twenty-four (24) hour concentration is less than or equal to sixty-five (65) µg/m<sup>3</sup>, as determined in accordance with all of the following:

(i) 40 CFR 50, Appendices L and N, 62 FR 38652\*, July 18, 1997.

(ii) 40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997.

(7) (8) PM<sub>10</sub>. (A) Primary and Secondary Standards: The following values shall represent The maximum permissible ambient air quality levels **for the primary and secondary standards are as follows:**

(i) (A) Fifty (50) micrograms per cubic meter (µg/m<sup>3</sup>) annual arithmetic mean **concentration**. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with:

(i) 40 CFR 50, Appendix **Appendices K**, (per July 1, 1987, 52 FR 24663\*), **M**, and **N** and 62 FR 38652\*, July 18, 1997; and

(ii) 40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997; **and designated in accordance with 40 CFR 53, is less than or equal to fifty** (50) µg/m<sup>3</sup>.

(ii) (B) **One hundred fifty** (150) µg/m<sup>3</sup>-maximum **twenty-four** (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a **ninety-ninth percentile, twenty-four** (24) hour average concentration ~~above~~ 150 µg/m<sup>3</sup>, as determined in accordance with:

(i) 40 CFR 50, Appendix **Appendices K**, (per July 1, 1987, 52 FR 24663\*), **M** and **N** and 62 FR 38652\*, July 18, 1997; and

(ii) **40 CFR 53, 40 CFR 58, and 62 FR 38764\*, July 18, 1997; and designated in accordance with 40 CFR 53, is equal to or less than one: or equal to one hundred fifty (150) µg/m<sup>3</sup>.**

**\*Copies of July 1, 1987 Federal Register Notice (52 FR 24663) the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available from for copying at the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46225- 46204. (Air Pollution Control Board; 326 IAC 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020)**

### ***Notice of First Meeting/Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on February 3, 1999, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 1-1-3 concerning references to the Code of Federal Regulations; 326 IAC 1-1-3.5 references to the Compilation of Air Pollution Emission Factors AP-42; 326 IAC 1-2-2.5 concerning the definition of Compilation of Air Pollution Emission Factors AP-42; 326 IAC 1-2-52 concerning the particulate matter definition; and 326 IAC 1-3-4 concerning ambient air quality standards.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Kiran Verma, Rules Development Section, Office of Air Management, (317) 233-5678 or (800) 451-6027 ext. 3-5678 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: Sandy Meanor, ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-1785(V) or (317) 232-6565(TDD). Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Management, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North*

*Senate Avenue, Tenth Floor East and Legislative Services Agency, Indiana Government Center-South, 302 West Washington Street, Room E011, Indianapolis, Indiana and are open for public inspection.*